

Richard A. Westfall | Partner

April 10, 2015

Federal Election Commission
Office of Complaints Examination and Legal Administration
Attn: Jeff S. Jordan, Assistant General Counsel
999 E Street, NW
Washington, DC 20463

via email to: Kim Collins, Paralegal - kcollins@fec.gov

Re: MUR 6925 – Response to the Sebern Complaint

Dear Mr. Jordan:

This Firm represents Alexander Hornaday, Eric Heyssel, Andrew Struttman, Gabriel Schwartz, David Sprecace, Harry Arkin, Christopher Murray, Ryan Call, and the Colorado Republican Committee (together referred collectively as the "Respondents"). We hereby respond on behalf of the Respondents in their personal and various capacities as former party officers of the Colorado Republican Committee and the First Congressional District Republican Central Committee to the complaint and addendum to the complaint filed by Florence Sebern of Denver (the "Complainant") with the Federal Election Commission, assigned MUR 6925 (the "Sebern Complaint").

We request that this matter remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and § 30109(a)(12)(A) at this time; however, we reserve the right to request that the resolution of this matter and related correspondence be made public in the future.

The Colorado Republican Committee is an unincorporated Colorado non-profit association and state political party committee. It is registered with the Federal Election Commission as a federal political committee and state political party (FEC Committee ID# C00033134), and its federal election activities and federal accounts are subject to the jurisdiction and reporting requirements of the Federal Election Campaign Act of 1971, as amended. The Colorado Republican Committee is a "state committee" as defined in 11 CFR § 100.14(a).

The First Congressional District Republican Central Committee is also an unincorporated Colorado non-profit association, and is a local political party committee affiliated with the Republican Party at the congressional district level in Colorado. The principal function of the First Congressional District Republican Central Committee is to convene a nominating

assembly and convention of delegates to designate one or more Republican candidates to the Republican primary election ballot and, in presidential election years, to elect a certain number of delegates to the national presidential nominating convention of the Republican Party. The First Congressional District Republican Central Committee is a "district committee" as defined in 11 CFR § 100.14(b).

The Complaint

The Sebern Complaint and its various exhibits and attachments consist primarily of perceived and alleged violations of party bylaws, party rules, and "violations of best practice", and include assertions regarding the invalid election or appointment of a representative to the state executive committee, the failure to hold a vacancy election for a district officer, the failure to account for financial resources and unsubstantiated allegations regarding fiduciary misconduct, the failure to provide financial reports or conduct internal audits, the failure to appoint a treasurer, the failure to collect certain assembly badge fees, the failure to call required meetings, the failure to amend the party bylaws to remedy a quorum requirement, the failure to "be responsive" to certain local party activists, and certain other claims relating to internal political party operations and governance.

The vast majority of these criticisms, complaints and intra-party squabbles are matters wholly outside the jurisdiction or concern of the Federal Election Commission. It is regrettable that in an apparent attempt to malign local political party officers and influence the outcome of political party leadership elections at the district and state level, Ms. Sebern has chosen to abuse the Federal Election Commission complaint process by filing this Complaint, resulting in the unnecessary and unfortunate expenditure of time and governmental resources in connection with the investigation and response to her complaint.

Nevertheless, having carefully reviewed the voluminous, repetitive and somewhat confusing assertions and allegations contained in the Sebern Complaint and its accompanying exhibits and attachments, the only substantive allegations that appear to be subject to the jurisdiction of the Federal Election Commission are (1) the alleged failure of the Colorado Republican Committee to disclose a contribution from the First Congressional District Republican Central Committee on or about March 8, 2013 in accordance with the applicable provisions of the Federal Election Campaign Act, and (2) the alleged failure of the officers of the First Congressional District Republican Central Committee to register with the Federal Election Commission and report contributions and expenditures in 2013 and/or 2014.

The Respondents and former officers of the Colorado Republican Committee and the First Congressional District Republican Central Committee named in the Sebern Complaint dispute the allegations, and assert that no violations of the Federal Election Campaign Act or applicable federal regulations occurred.

Statements and sworn affidavits from Respondents Alexander Hornaday, Eric Heyssel, Andrew Struttman, Gabriel Schwartz, David Sprecace, Harry Arkin, Christopher Murray, and Ryan Call accompany this response letter and their statements and averments on matters relevant to the Sebern Complaint are incorporated hereto by reference.

The Facts

On or about March 8, 2013, the treasurer of the First Congressional District Republican Central Committee delivered via courier a cashier's check from Wells Fargo Bank in the amount of \$6,500.80 to the offices of Colorado Republican Committee. The cashier's check (no. 0160400390) was made payable to the order of "COLORADO REPUBLICAN PARTY" and contained the notation "RE: FIRST CD'S GIFT TOWARD BETTER GOVERNMENT". (Sebern Complaint Exhibit O, Respondents Exhibit A).

On March 11, 2013, Ryan Call, the then-Chairman of the Colorado Republican Committee, notified Alexander Hornaday, the then-Chairman of the First Congressional District Central Committee, via email of his refusal of the contribution, and subsequently made arrangements to promptly return the check to him as an authorized representative of the First Congressional District Republican Central Committee in accordance with 52 U.S.C. § 30102(b)(1) and within the ten days required by 11 CFR § 103.3(a). A copy of the email and notification of the refusal of the contribution sent by Chairman Call to Chairman Alexander Hornaday on March 11, 2013 has been attached as Respondent's Exhibit B.

Because the cashier's check was order paper made payable to the "Colorado Republican Committee" and the district committee account upon which the cashier's check had been drawn had been closed by the prior district committee officers, in order to facilitate the return and deposit of the refused contribution the Chairman of the Colorado Republican Committee endorsed the back of the cashier's check by signing his name and title in order to convert the instrument to bearer paper and allow the new chairman of the First Congressional District Republican Central Committee to deposit the negotiable instrument into a new account associated with the district committee.

The Colorado Republican Committee did not disclose a contribution in any amount from the First Congressional District Republican Central Committee in its campaign finance reports to the Federal Election Commission because no such contribution was received, nor were any funds accepted, transferred, or deposited from the First Congressional District Republican Central Committee into any account maintained by the Colorado Republican Committee.

Until recently, and at all times prior and relevant to the Sebern Complaint, the First Congressional District Republican Central Committee was not registered with the Federal Election Commission as a federal political committee because it had not satisfied the registration requirements of a "political committee" or "local committee of a political party" set forth in 52 U.S.C. § 30101(4)(C); namely, it had not demonstrated a history of receiving contributions aggregating in excess of \$5,000 during a calendar year, nor made payments exempted from the definition of contribution or expenditure as defined in paragraphs (8)

and (9) of 52 U.S.C. § 30101 aggregating in excess of \$5,000 during a calendar year, nor made contributions aggregating in excess of \$1,000 during a calendar year, nor made expenditures aggregating in excess of \$1,000 during a calendar year, as the applicable terms are defined in the Federal Election Campaign Act.

Subsequent to the period relevant to the Sebern Complaint, the First Congressional District Republican Central Committee registered with the Federal Election Commission by filing its Statement of Organization on September 26, 2014 (Respondent's Exhibit C) and thereafter began filing campaign finance disclosures (FEC Committee ID# C00569491) (see, e.g. Respondent's Exhibit D). The decision to register and begin filing federal campaign finance reports was triggered in anticipation of a contribution of \$2,003 given to a federal candidate committee on October 1, 2014 that caused the committee to exceed \$1,000 in aggregate contributions given to federal candidates and federal political committees during the 2014 calendar year.

The Law and Discussion

The Sebern Complaint alleges incorrectly that the Colorado Republican Committee failed to deposit a March 8, 2013 contribution from the First Congressional District Republican Central Committee into its federal account and failed to report the "transfer of funds between federal-level political party committees" in the state committee's campaign finance disclosures with the Federal Election Commission.

11 CFR § 103.3 governs the deposit of receipts and disbursements by federal political committees, and requires in relevant part that "All receipts by a political committee shall be deposited in account(s) established pursuant to 11 CFR 103.2, *except that any contribution may be, within 10 days of the treasurer's receipt, returned to the contributor without being deposited.*" (11 CFR § 103.3(a), *emphasis added*).

Here, Ryan Call, as Chairman and authorized representative of the Colorado Republican Committee, notified the Chairman of the First Congressional District Republican Central Committee of his refusal of the attempted contribution within three days of the cashier's check being delivered to the offices of the state committee, and promptly made arrangements to return the cashier's check within the time period provided for by law.

The Sebern Complaint further alleges incorrectly that the officers and persons responsible for the First Congressional District Republican Central Committee "did not properly register CD1 as a reporting entity in 2013" and makes certain other allegations regarding the failure to collect and report certain funds received from delegates, alternate delegates, and other county political party committees in connection with the district nominating assembly conducted by the First Congressional District Republican Central Committee in 2014.

CFR § 100.5(c) provides that a local committee of a political party becomes a "political committee" and must register with the Federal Election Committee and becomes subject to the provisions of the Federal Election Campaign Act if "it receives contributions

aggregating in excess of \$5,000 during a calendar year; it makes payments exempted from the definition of contribution, under 11 CFR 100.80, 100.87, and 100.89 and expenditure, under 11 CFR 100.140, 100.147, and 100.149, which payments aggregate in excess of \$5,000 during a calendar year; or it makes contributions aggregating in excess of \$1,000 or makes expenditures aggregating in excess of \$1,000 during a calendar year." (CFR § 100.5(c); see also, 52 U.S.C. § 30101(4)(C)).

Here, had the attempted contribution of \$6,500.80 to the Colorado Republican Committee been accepted and the funds actually transferred from the district committee to the state committee, such a contribution would have indeed constituted a contribution, payment and expenditure in excess of \$5,000 and would have required the district committee to register and report with the Federal Election Commission pursuant to CFR § 100.5(c). However, since the March 8, 2013 contribution was refused and no actual transfer of funds occurred between the control of the authorized representatives of the district committee and the state committee, the registration and reporting thresholds set forth in the Federal Election Campaign Act were not met as to the district committee, and the First Congressional District Republican Central Committee was not required to register with the Federal Election Commission. The Sebern Complaint alleges no other facts or transactions that would have otherwise required the First Congressional District Republican Central Committee to register with or report to the Federal Election Commission in 2013.

With respect to the other assertions in the Sebern Complaint that the First Congressional District Republican Central Committee should have registered with the Federal Election Commission and itemized its contributions and expenditures with respect to district assemblies and conventions in 2014, CFR § 100.25(c)(3) provides in relevant part that "The costs of a State, district, or local political convention, meeting or conference" are excluded from the definition of an expenditure for federal election activity when expended or disbursed by a state, district, or local committee of a political party.

Here, the contributions received previously by the First Congressional District Republican Central Committee were exclusively from payments for assembly badge fees and certain small individual donations collected from individual delegates, alternate delegates or from county and local political party committees accepted to defray the expenses associated with conducting the political party meetings and nominating assemblies and conventions for Colorado's First Congressional District. The First Congressional District Republican Central Committee made no expenditures for federal election activity and made no other donations, contributions, or expenditures on behalf of any other federal candidates or committees prior to the contribution to Martin Walsh for Congress on October 1, 2014.

Thus, prior to its contribution to a federal candidate committee on October 1, 2014, the First Congressional District Republican Central Committee was not required to register with or report its contributions and expenditures to the Federal Election Commission.

Conclusion

As the facts described above and as attested to in the statements and sworn affidavits from the Respondents make clear, since the March 8, 2013 cashier's check sent to the Colorado Republican Committee was refused and returned to an authorized representative of the district committee within the period provided for by law, the Federal Election Commission should find that there is no reason to believe that the Colorado Republican Committee accepted or failed to properly disclose any such contribution or that any violation of the Federal Election Campaign Act occurred.

Further, since no contribution was made on March 8, 2013 and no funds were actually transferred from the control of the authorized representatives of the First Congressional District Republican Central Committee to any other entity or federal political committee, and since at all times relevant to the Sebern Complaint and prior to October 2014 all other contributions and payments by the First Congressional District Republican Central Committee were exclusively related to the costs of holding district committee meetings, assemblies and conventions, the Federal Election Commission should find that there is no reason to believe that the district committee triggered the registration and reporting requirements set forth in CFR § 100.5(c) and 52 U.S.C. § 30101(4)(C) until October 1, 2014.

All of the other allegations and assertions in the Sebern Complaint and its various attachments and exhibits deal with intra-party criticisms from a disgruntled activist against local and state political party leaders, wholly unrelated to the concern or jurisdiction of the Federal Election Commission.

Therefore, the Sebern Complaint should be dismissed in its entirety and no further action should be taken by the Federal Election Commission against the Colorado Republican Committee, the First Congressional District Republican Central Committee, or against any of its current or former officers or representatives.

Respectfully submitted,



Richard A. Westfall, Esq.

Hale Westfall LLP
Attorneys for Respondents

Routing	Sequence #	Paid Date	Amount	Account	Serial	Capture Source
10700543	4581565524	09182014	\$6500.80		160400390	00010063

PRINTED ON CINEMA QUALITY PAPER. HOLD TO LIGHT TO VIEW. FOR ADDITIONAL SECURITY, FEATURES ARE BACK.

0160400390

CASHIER'S CHECK

March 08, 2013

PAY TO THE ORDER OF ***COLORADO REPUBLICAN PARTY***
RE: FIRST CD'S GIFT TOWARD BETTER GOVERNMENT

Six thousand five hundred dollars and 80 cents

WELLS FARGO BANK, N.A.
3150 S. DOWLING ST
DENVER, CO 80210
FOR INQUIRIES CALL (800) 368-3122

Richard Long
CONTROLLER

Security Features Included

0101910727





Ryan Call <ryan@cologop.org>

1st Congressional District Republican Central Committee

Ryan Call <ryan@cologop.org>

Mon, Mar 11, 2013 at 2:22 PM

To: Alexander Hornaday <ahornaday@hornadaylaw.com>

Cc: Chuck Poplstein <chuck@cologop.org>, Sara Truppo <Sara@cologop.org>

Chairman Hornaday,

At your convenience, please contact me with respect to the endorsement and return of the cashier's check from the 1st Congressional District Republican Central Committee. I am happy to either mail it to an address you specify, or make arrangements to return it to you in person.

Funds in excess of \$1,000 per calendar year cannot be accepted as a contribution to either the state or federal accounts of the Colorado Republican Committee without triggering a reporting event and registration requirement with the Federal Election Commission for the 1st Congressional District Republican Central Committee (the CD1 Committee). Therefore, the cashier's check must be refunded and returned to you for deposit into a new account for the CD1 Committee to use for expenses and activities that are permissible under the applicable federal campaign finance regime.

A local political party organization such as the CD1 Committee becomes a federal political committee under the Federal Election Campaign Act (FECA) and must register with the F.E.C. when its activity in connection with a federal election exceeds the following thresholds during a calendar year:

- Raises more than \$5,000 in contributions;
- Spends more than \$5,000 on exempt party activities;
- Makes more than \$1,000 in contributions; or
- Spends more than \$1,000 in other expenditures.

11 CFR 100.5(c).

While the receipt of contributions (including badge fees) in excess of \$5,000 in a single calendar year may trigger the federal registration and reporting requirement, any amount expended by a district party committee for costs of a state or district political convention, meeting or conference is not considered federal election activity, and will not trigger a reporting requirement. 11 CFR 100.24(c). However, even if the CD1 Committee has not triggered the registration thresholds, kindly note that the CD1 committee still must finance all of its activity in connection with federal elections, including district assemblies or conventions, with funds that comply with the federal contribution limits and prohibitions. 11 CFR 102.5(b).

If you have any specific additional questions, please let me know.

Best regards,

Ryan R. Call, Esq.
Chairman

Colorado Republican Committee
5950 S. Willow Drive, Suite 301
Greenwood Village, CO 80011
303.758.3333 office
303.741.0714 fax
ryan@cologop.org



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Respondent's Quiz 6925

**SUMMARY PAGE
OF RECEIPTS AND DISBURSEMENTS**

FEC Form 3X (Rev. 02/2003)

Page 2

Write or Type Committee Name

Report Covering the Period:

From:

0000 / 0000 / 00000000

To:

0000 / 0000 / 00000000

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on Hand January 1, 2014		6500.80
(b) Cash on Hand at Beginning of Reporting Period.....	8123.80	
(c) Total Receipts (from Line 19).....	0.00	2003.00
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(e) and 6(c) for Column B).....	8123.80	8503.80
7. Total Disbursements (from Line 31).....	2003.00	2383.00
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d)).....	6120.80	6120.80
9. Debts and Obligations Owed TO the Committee (itemize all on Schedule C and/or Schedule D).....	0.00	
10. Debts and Obligations Owed BY the Committee (itemize all on Schedule C and/or Schedule D).....	0.00	



This committee has qualified as a multicandidate committee. (see FEC FORM 1M)

For further information contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463

Toll Free 800-424-9530
Local 202-694-1100

DETAILED SUMMARY PAGE of Receipts

FEC Form 3X (Rev. 06/2004)

Page 3

Write or Type Committee Name

Report Covering the Period:

From:

MM / DD / YYYY

To:

MM / DD / YYYY

I. Receipts

**COLUMN A
Total This Period**

**COLUMN B
Calendar Year-to-Date**

11. Contributions (other than loans) From:

(a) Individuals/Persons Other
Than Political Committees

(i) Itemized (use Schedule A).....

0.00

0.00

(ii) Unitemized.....

0.00

2003.00

(iii) TOTAL (add
Lines 11(a)(i) and (ii).....▶

0.00

0.00

(b) Political Party Committees.....

0.00

0.00

(c) Other Political Committees
(such as PACs).....

0.00

0.00

(d) Total Contributions (add Lines
11(a)(iii), (b), and (c)) (Carry
Totals to Line 33, page 5).....▶

0.00

0.00

12. Transfers From Affiliated/Other Party Committees.....

0.00

0.00

13. All Loans Received.....

0.00

0.00

14. Loan Repayments Received.....

0.00

0.00

15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5).....

0.00

0.00

16. Refunds of Contributions Made to Federal Candidates and Other Political Committees.....

0.00

0.00

17. Other Federal Receipts (Dividends, Interest, etc.).....

0.00

0.00

18. Transfers from Non-Federal and Levin Funds

(a) Non-Federal Account
(from Schedule H3).....

0.00

0.00

(b) Levin Funds (from Schedule H5).....

0.00

0.00

(c) Total Transfers (add 18(a) and 18(b))..

0.00

0.00

19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c)).....▶

0.00

2003.00

20. Total Federal Receipts (subtract Line 18(c) from Line 19).....▶

0.00

0.00

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3X (Rev. 02/2003)

Page 4

II. Disbursements	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
21. Operating Expenditures:		
(a) Allocated Federal/Non-Federal Activity (from Schedule H4)		
(i) Federal Share	000	
(ii) Non-Federal Share	000	
(b) Other Federal Operating Expenditures	000	38000
(c) Total Operating Expenditures (add 21(a)(i), (a)(ii), and (b))	000	38000
22. Transfers to Affiliated/Other Party Committees	000	000
23. Contributions to Federal Candidates/Committees and Other Political Committees	200300	200300
24. Independent Expenditures (use Schedule E)	000	000
25. Coordinated Party Expenditures (2 U.S.C. §441a(d)) (use Schedule F)	000	000
26. Loan Repayments Made	000	000
27. Loans Made	000	000
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees	000	000
(b) Political Party Committees	000	000
(c) Other Political Committees (such as PACs)	000	000
(d) Total Contribution Refunds (add Lines 28(a), (b), and (c))	000	000
29. Other Disbursements	000	000
30. Federal Election Activity (2 U.S.C. §431(20))		
(a) Allocated Federal Election Activity (from Schedule H6)		
(i) Federal Share	000	000
(ii) "Levin" Share	000	000
(b) Federal Election Activity Paid Entirely With Federal Funds	000	000
(c) Total Federal Election Activity (add Lines 30(a)(i), 30(a)(ii) and 30(b))	000	000
31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c)) ..	200300	238300
32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31)	200300	238300

DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3X (Rev. 02/2003)

Page 5

III. Net Contributions/Operating Ex-
penditures

COLUMN A
Total This Period

COLUMN B
Calendar Year-to-Date

33. Total Contributions (other than loans) (from Line 11(d), page 3)	000	
34. Total Contribution Refunds (from Line 28(d))	000	
35. Net Contributions (other than loans) (subtract Line 34 from Line 33)	000	
36. Total Federal Operating Expenditures (add Line 21(a)(i) and Line 21(b))	000	380.00
37. Offsets to Operating Expenditures (from Line 15, page 3)	000	000
38. Net Operating Expenditures (subtract Line 37 from Line 36)	000	380.00

**SCHEDULE B (FEC Form 3X)
ITEMIZED DISBURSEMENTS**

Use separate schedule(s)
for each category of the
Detailed Summary Page

FOR LINE NUMBER:
(check only one)

PAGE OF

☐ 21b ☐ 22 ☐ 23 ☐ 24 ☐ 25 ☐ 26
☐ 27 ☐ 28a ☐ 28b ☐ 28c ☐ 29 ☐ 30b

Any information copied from such Reports and Statements may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of any political committee to solicit contributions from such committee.

NAME OF COMMITTEE (In Full)

Full Name (Last, First, Middle Initial)

A. Martin Walsh for Congress

Mailing Address

PO Box 6827

City

Denver

State

CO

Zip Code

80206

Purpose of Disbursement

Contribution

Candidate Name

Martin Walsh

Office Sought:

☒ House

☐ Senate

☐ President

Disbursement For:

☐ Primary

☒ General

☐ Other (specify) ▼

State: CO

District: 01

Date of Disbursement

10 / 01 / 2014

Amount of Each Disbursement this Period

200300

B.

Full Name (Last, First, Middle Initial)

Mailing Address

City

State

Zip Code

Purpose of Disbursement

Candidate Name

Office Sought:

☐ House

☐ Senate

☐ President

Disbursement For:

☐ Primary

☐ General

☐ Other (specify) ▼

State:

District:

Date of Disbursement

/ /

Amount of Each Disbursement this Period

C.

Full Name (Last, First, Middle Initial)

Mailing Address

City

State

Zip Code

Purpose of Disbursement

Candidate Name

Office Sought:

☐ House

☐ Senate

☐ President

Disbursement For:

☐ Primary

☐ General

☐ Other (specify) ▼

State:

District:

Date of Disbursement

/ /

Amount of Each Disbursement this Period

SUBTOTAL of Disbursements This Page (optional)

TOTAL This Period (last page this line number only)

200300

FEC
FORM 1

STATEMENT OF
ORGANIZATION

RECEIVED
2014 OCT 14 AM 10:02
FEC MAIL CENTER
Office Use Only

1. NAME OF
COMMITTEE (in full)

☐

(Check if name
is changed)

Example: If typing, type
over the lines.

12FE4M5

First Congressional District Republican Central Committee

ADDRESS (number and street)

1624 Market Street

Suite 202

Denver

CO

80202

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS (Please provide only one e-mail address)

☐

(Check if address
is changed)

ahornaday@hornadaylaw.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

☐

(Check if address
is changed)

2. DATE

09 / 26 / 2014

3. FEC IDENTIFICATION NUMBER

C

4. IS THIS STATEMENT

☒

NEW (N)

OR

☐

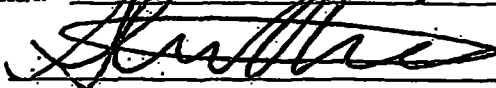
AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Alexander Hornaday

Signature of Treasurer



Date

10 / 06 / 2014

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office Use Only				
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For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100

FEC FORM 1
(Revised 02/2009)

EXHIBIT

C

Responsible Officer 6425

5. TYPE OF COMMITTEE

Candidate Committee:

- (a) ☐ This committee is a principal campaign committee. (Complete the candidate information below.)
- (b) ☐ This committee is an authorized committee, and is NOT a principal campaign committee. (Complete the candidate information below.)

Name of Candidate

Candidate Party Affiliation

Office Sought:

☐ House☐ Senate☐ President

State

District

- (c) ☐ This committee supports/opposes only one candidate, and is NOT an authorized committee.

Name of Candidate

Party Committee:

- (d) ☒ This committee is a **SUB** (National, State or subordinate) committee of the **REP** (Democratic, Republican, etc.) Party.

Political Action Committee (PAC):

- (e) ☐ This committee is a separate segregated fund. (Identify connected organization on line 6.) Its connected organization is a:
- ☐ Corporation ☐ Corporation w/o Capital Stock ☐ Labor Organization
- ☐ Membership Organization ☐ Trade Association ☐ Cooperative
- ☐ In addition, this committee is a Lobbyist/Registrant PAC.
- (f) ☐ This committee supports/opposes more than one Federal candidate, and is NOT a separate segregated fund or party committee: (i.e., nonconnected committee)
- ☐ In addition, this committee is a Lobbyist/Registrant PAC.
- ☐ In addition, this committee is a Leadership PAC. (Identify sponsor on line 6.)

Joint Fundraising Representative:

- (g) ☐ This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, at least one of which is an authorized committee of a federal candidate.
- (h) ☐ This committee collects contributions, pays fundraising expenses and disburses net proceeds for two or more political committees/organizations, none of which is an authorized committee of a federal candidate.

Committees Participating in Joint Fundraiser

1.	<input type="text"/>	FEC ID number	C <input type="text"/>
2.	<input type="text"/>	FEC ID number	C <input type="text"/>
3.	<input type="text"/>	FEC ID number	C <input type="text"/>
4.	<input type="text"/>	FEC ID number	C <input type="text"/>

1-800-444-4401

FEC FORM 1

First Congressional District Republican Central Committee

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 104

ZIP CODE

Alexander Hornaday,

1624 Market Street

Suite 202

Denver

[CP]

80202

ZIP CODE

Chairman

Telephone number

Alexander Hornaday

1624 Market Street

Suite 202

Denver

CO

80202

ZIP CODE

Chairman,

Full Name of
Designated
Agent

Mailing Address

CITY

STATE

ZIP CODE

Title or Position

Telephone number

9. Banks or Other Depositories: List all banks or other depositories in which the committee deposits funds, holds accounts, rents safety deposit boxes or maintains funds.

Name of Bank, Depository, etc.

Wells Fargo NA

Mailing Address

1601 Blake Street

1601 Blake Street

Denver

CO

80202

CITY

STATE

ZIP CODE

Name of Bank, Depository, etc.

Mailing Address

CITY

STATE

ZIP CODE

IN THE MATTER BEFORE THE FEDERAL ELECTIONS COMMISSION

MUR 6925

Affidavit of Alexander Hornaday

1. I am Alexander Hornaday, and I reside at Denver CO, 80202. I am an attorney licensed to practice in the state of Colorado.
2. From March 2, 2013 until March 14, 2015 I was Chairman of the First Congressional District Republican Central Committee ("CD1").
3. Prior to being Chairman, I was Secretary of CD1 from 2011 until 2013, during which time fellow Respondent Gabriel Schwartz was Chairman.
4. Prior to 2011 I was not officially involved with CD1.
5. On March 2, 2013, I ran against Complainant, Florence Sebern, to be Chairman of CD1. Ms. Sebern is not otherwise a member of CD1, as membership is defined in its bylaws.
6. Upon information and belief, at some time prior to my being elected Chairman of CD1, Gabriel Schwartz instructed the Treasurer at that time to issue a cashier's check in the amount of all of CD1's funds to the Colorado Republican Committee ("State Party") and to close CD1's bank accounts.
7. On March 11, 2013 I received an email from my fellow respondent Ryan Call, who was then Chairman of State Party, informing me that State Party would not accept the contribution authorized by Mr. Schwartz.
8. At some time afterwards, I do not recall the precise date, but I believe it was in late March of 2013, I went to the headquarters for State Party and picked up the cashier's check myself. Rather than opening an account I put the check in a safe. I received the very cashier's check sent to State Party. The funds had not been deposited into any account controlled by State Party.
9. As Chairman of CD1 I appointed fellow respondent Erich Heyssel to be Treasurer for CD1 in the summer or early fall of 2013. I do not now recall the precise date.
10. Mr. Heyssel informed me before the April 2014 District Assembly that he was moving out of the district and as such could not continue as Treasurer for CD1. He resigned some time in early 2014 before the Assembly in April 2014.

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11. During Mr. Heyssel's tenure as Treasurer, CD1 received no donations or contributions and made no expenditures.
 12. Mr. Heyssel was not Treasurer at any of the times the alleged transactions underlying the complaint took place.
 13. I also asked two people to serve as Treasurer for CD1, but received only regrets.
 14. In advance of the April 2014 District Assembly I paid for several expenses in preparation for the Assembly out of my own pocket. Mr. Heyssel was no longer Treasurer at the time such expenses were incurred.
 15. Because CD1 did not have a bank account or merchant processing capability, I requested that the various county party committees collect badge fees from their delegates and alternate delegates for the CD1 Assembly. The bulk of these badge fees were collected by Denver County, with a minority collected by Jefferson County.
 16. The April 2014 CD1 Assembly was primarily for the purpose of nominating a candidate or candidates to the primary ballot to run as a Republican candidate for the U.S. House of Representatives for Colorado's First Congressional District.
 17. After I sent an invoice to Denver County Republican Central Committee for the delegate badge fees they had collected for the April 2014 CD1 Assembly, Denver County issued a check to CD1 in the amount of \$2,003.
 18. Although I sent an invoice to the Jefferson County Republican Central Committee for badge fees associated with the April 2014 CD1 Assembly, I never received any funds from them. I personally attributed this to a change in leadership of that county party committee.
 19. On June, 20, 2014, shortly after receipt of the check from Denver County Republican Central Committee I deposited into a law firm COLTAF trust account.
 20. The COLTAF designation means that any interest earned on fund in the account is paid to the Colorado Lawyer Trust Account Foundation for the purpose of providing indigent defense. The Colorado Lawyer Trust Account Foundation is a 501(c)(3) tax-exempt charitable organization.
 21. Also on June 20, 2014 I reimbursed myself \$344 for the April 2014 CD1 Assembly expenses. This was only a partial reimbursement. The total amount I spent out of pocket on Assembly expenses was approximately \$380.
 22. On September 18, 2014 I deposited the cashier's check referred to above in ¶¶ 6-8 into the same COLTAF trust account.

23. On September 26th I wrote a check for \$2,003 to Martin Walsh's candidate committee, which was the amount CD1 received in badge fees. Mr. Walsh was the Republican candidate for the U.S. House of Representatives from Colorado's First Congressional District.
24. As the contribution to Mr. Walsh's candidate committee was a report-triggering event, shortly before the contribution was made I registered and began filing with the FEC. On the registration I named myself as both Chairman and Treasurer. I appointed myself Treasurer for the purpose of being able to fulfill CD1's FEC reporting obligations.
25. My first report attempted to account for the total 2014 assembly costs (\$380.19). Evidently I did so incorrectly, and subsequently received certain "Request for Additional Information" notices from the FEC. I have amended the reports several times, and I believe that as amended they currently are an accurate reflection of CD1's activities.
26. I am a friend and supporter of Ryan Call's, and I supported him in his 2015 campaign for reelection as Chairman of State Party.
27. Complainant, Florence Sebern, is a known critic and opponent of Mr. Call's, dating from his prior leadership position as the Chairman of the Denver County Republican Central Committee.
28. In December of 2014, I decided to run for Chairman of the Denver County Republican Central Committee, and in that capacity would have been a voter for Mr. Call's reelection.
29. I believe the Complainant, Florence Sebern, filed the "Petition of Party Controversy" that she attached to her complaint to the FEC in an attempt to undermine my race for Chairman of the Denver County Republican Central Committee. I ultimately lost that race.
30. On February 22, 2015 I appointed fellow respondent Christopher Murray as CD1 legal officer. I did not consult with Mr. Murray regarding any of the alleged transactions or with regard to the reporting to the FEC. I appointed him primarily to be a Chairman Pro Tempore for the purposes of hearing the Petition of Party Controversy filed by Complainant, Florence Sebern that had been referred to CD1 by the State Party Executive Committee.
31. On March 3, 2015 I appointed fellow respondent Andrew Struttmann as Treasurer. Mr. Struttmann was not Treasurer at any time of the alleged transaction underlying the complaint. Mr. Struttmann at no time had access to or control over CD1 funds or to the FECfile account.

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32. As Chairman of CD1 I also had a vote in Mr. Call's reelection, and I had publicly pledged it to Mr. Call.
 33. I believe complainant, Florence Sebern, filed this complaint primarily as a means to undermine me as Chairman of CD1, hoping to have me removed so I would not be a vote for Mr. Call; however, the timing didn't work out.
 34. On the evening of March 5, 2015 the CD1 executive committee met to consider the petition of party controversy. The CD1 executive committee consisted at that time of myself, fellow respondent Andrew Struttman, fellow respondent Christopher Murray, Jesse Altum, Gavin Halligan, and Jeff Krump.
 35. Complainant, Florence Sebern, surreptitiously recorded that meeting, and has provided a copy of the recording in her addendum to her complaint.
 36. At that meeting the CD1 Executive Committee sustained only one of the claims against me, namely that I had failed to call required meetings under the bylaws and applicable party rules. The CD1 Executive Committee dismissed all other claims.
 37. The CD1 organizational meeting occurred on March 14, 2014 following the organizational meeting for State Party.
 38. On the morning of March 14, 2015 I received a message from Christopher Murray that he could not attend the organizational meeting. At that time I appointed fellow respondent Harry Arkin as CD1 Legal Officer. I anticipated having to consider an appeal of the party controversy at the district organizational meeting, and wanted someone to act as Chairman Pro Tempore for that portion of the meeting.
 39. Mr. Arkin was not Legal Officer at any other time during my tenure as Chairman of CD1. I did not consult with him regarding the alleged transactions underlying the complaint or with regard to FEC reporting.
 40. Prior to the 2014 CD1 Organizational Meeting, I obtained a cashier's check for the amount of the CD1's funds from the law firm trust account, less other costs for the organizational meeting.
 41. I did not run for reelection as Chairman of CD1. Following the election of the new CD1 Chairman on March 14, 2015, I turned over the CD1 funds referenced in ¶40. About a week later I sent the New Chairman the ID and password for FEC filing.
 42. Following the election of the new Chairman, Andrew Struttman resigned as Treasurer. Mr. Struttman's tenure as Treasurer was March 3, 2015 to March 14, 2015.
 43. At least as of March 25, 2015 CD1 had a new Treasurer appointed by the new Chairman. I believe it is now a man named Nicholas Lundberg.

44. To my knowledge and recollection, at no time during my involvement as either Secretary or Chairman of CD1 did CD1 receive any funds other than badge fees for nominating assemblies.

FURTHER THE AFFIANT SAYETH NAUGHT

Respectfully submitted,


Alexander Hornaday

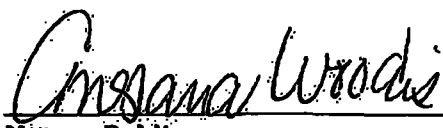
STATE OF COLORADO)
) ss.
City and County of Denver)

The foregoing Affidavit was subscribed and sworn to before me this 10th day of April, 2015, by Alexander Hornaday.

Witness my official hand and seal.

(SEAL)

8-19-2016


Notary Public



Kim Collins

Digitally signed by Kim Collins
DN: cn=Kim Collins, o=QGC,
ou=CELA,
email=kcollins@ec.gov, c=US
Date: 2015.04.13 09:24:27 -0400

AFFIDAVIT

STATE OF COLORADO

)

) ss.

COUNTY OF ARAPAHOE

)

David A. Spreccace, being first duly sworn on oath, deposes and states as follows:

1. I served as the Treasurer of the 1st Congressional District Republican Central Committee ("Committee") during the entire time Gabriel N. Schwartz served as Chair.

2. During that entire time, I had check-signing authority on the Committee's sole checking account, and possessed the Committee checkbook.

3. During that time, I wrote checks to Mr. Schwartz only for reimbursement of expenses incurred while preparing for and conducting the Committee Assembly, or for other Committee-related expenses he incurred throughout the various years.

4. During that time, I never paid Mr. Schwartz for any services he performed for or on behalf of the Committee, all officers were volunteers, and no volunteer officer received payment for any services performed for or on behalf of the Committee.

5. Mr. Schwartz was never paid for any alleged consulting services, either during that time or otherwise.

6. The total amount of reimbursement checks written to Mr. Schwartz was nothing near the \$6000.00 rumored to have been written, over the entire course of his tenure as Chair. The total amount paid to Mr. Schwartz or his law firm for reimbursement of expenses was \$931.73, in the form of four checks over four years. These checks were written to reimburse Mr. Schwartz or his law firm for expenses incurred, related to Assembly production. The check numbers are 1023, 1024, 1026, and 1030, written on or about January 17, 2008, February 21, 2008, May 30, 2008, and April 13, 2012 respectively. According to the checkbook register, no other checks were written to Mr. Schwartz or his law firm.

7. Before I was relieved as Treasurer in 2013, I wrote a check for \$6500.80 to the Colorado Republican Party as a gift on behalf of the Committee. On a prior Affidavit, I stated that the cashier's check was inscribed, "First CD's Contribution Toward Better Government", but I was mistaken; the check actually said "Re: First CD's Gift Toward Better Government." A copy of the check and the delivery confirmation are attached to Ms. Sebern's Complaint.

8. Prior to and during the time period referenced in Ms. Sebern's Complaint, the Committee never had a report-filing requirement, which I understand to be triggered when funds of \$5000.00 or more are received and intended to be used for candidate contributions, exclusive of administrative expenses. During this time period, the vast majority of funds received were

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Kim
Collins

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email=kcollins@fec.gov, c=US
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RECORD ALL CHARGES OR CREDITS THAT AFFECT YOUR ACCOUNT

NUMBER	DATE	DESCRIPTION OF TRANSACTION	PAYMENT/ DEBIT (-)	T	FEE (- ANY) (+)	DEPOSIT/ CREDIT (+)	BALANCE
							471.31
		DEP - 5 th CD Canada					404
1020	5/16	Red Schuyler -					193.72
1021	6/19	James Kelly Schill					195.-
1022	7/1/10	Paul Waldman					80.83
1023	11/2/08	Sub Schuyler					25.-
1024	7/2/10	G. G. SCHWARTZ					380.76
							380
1025	11/20	HARRY L. HAKLIN					24.92
		DEP - BRIDGE LEAD					5.0
		DEP - 10 th CD Canada					1323.-
1026	5/30	G. G. SCHWARTZ					356.77
1027	9/11	Mr. Hazzard					205.99
1028	11/4/10	Miss Emma Hazzard					9.68
114		AD - TO BALANCE					129

REMEMBER TO RECORD AUTOMATIC PAYMENTS/DEPOSITS ON DATE AUTHORIZED

Exhibit "A"

Response of David A. Spreace

1404440404

RECORD ALL CHARGES OR CREDITS THAT AFFECT YOUR ACCOUNT

NUMBER	DATE	DESCRIPTION OF TRANSACTION	PAYMENT/ DEBIT (-)	T	FEE (-)	DEPOSIT/ CREDIT (+)	
1028	7/14/10	MJES FOREIGN AIR					1.000 -
1029	7/15/10	ADD - 4th month					1.000 -
1029	7/15/11	POLICE CRIME CORP - DED - 9620					5.15 -
1030	7/17/12	SANDWICHES SEAWAYS					2.50
1031	7/16	DEP - 1st CD 6th 4th					18.40 -
1031	7/16	DEP - 1st CD 6th 4th					68.32
1072	7/2	SOT TOMMY MARTINEZ					3.80
1073	8/1	DEP - 1st CD 6th 4th					19.52 -
1033	5/10	TOMOKO KOTAKA					40
1034	5/10	LILIE HANNA					40
1035	5/1	MIRAN ARTER + JOHN					80
1036	5/12	GM - 60P					700
1037	5/13	CL - 60P					6500.80

REMEMBER TO RECORD AUTOMATIC PAYMENTS/DEPOSITS ON DATE AUTHORIZED

[illegible]

REMEMBER TO RECORD AUTOMATIC PAYMENT DEPOSITS ON DATE AUTHORIZED

170444050508

STATE OF COLORADO)

)

) ss:

CITY AND COUNTY OF DENVER)

)

I, Gabriel Schwartz, being of lawful age, and first duly sworn, do depose and state:

SWORN AFFIDAVIT

- 1) I currently reside at Denver, CO 80203 and have lived there for nine years.
- 2) I served as Chairman of the First Congressional District Republican Central Committee and to the best of my recollection I was first elected in 2004. My tenure as Chairman of the Committee ended on March 2, 2013.
- 3) I am aware that Ms. Florence Sebern has filed a campaign finance complaint with the FEC captioned as MUR 6925 against me and against certain other former officers of the Colorado Republican State Central Committee and First Congressional District Republican Central Committee.
- 4) In said complaint Ms. Sebern alleges that I "improperly disbursed money" from the First Congressional District Republican Central Committee to myself while I was Chairman.
- 5) This allegation that I had been disbursed or received money improperly is patently false.
- 6) The only monies that I received from the First Congressional District Republican Central Committee were for reimbursements for administrative costs associated with district assemblies. I always submitted receipts to Mr. David Sprecaze the Treasurer to receive proper reimbursement.
- 7) Mr. David Sprecaze had served at the pleasure of previous Chairmen of the Committee as Treasurer for the First Congressional District Republican Central Committee and upon my election I decided to keep him in that position as he was the only signer on the bank account and held possession of the bank account and its check register, checks, and bank statements. I never authorized or asked Mr. Sprecaze to make any improper distributions to myself or anyone else.
- 8) At no time was I ever a signer on the bank account for the First Congressional District Republican Central Committee.
- 9) The money raised for the First Congressional District Republican Central Committee was from badge fees at the district assembly and was spent exclusively for administrative expenses and costs associated with district meetings and district assemblies and conventions. No monies were given to candidates during the time I served as Chairman of the First Congressional District Republican Central Committee.
- 10) Prior to the conclusion of my term as Chairman of the First Congressional District Republican Central Committee, I directed the Treasurer to close the district committee bank account and obtain a cashier's check payable to the Colorado Republican Party for all funds remaining in the bank account.

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11) The cashier's check that Ms. Sebern complains about was never cashed or deposited by the Colorado Republican Party.

12) Ms. Sebern has spread these lies about the First Congressional District Republican Central Committee and its former officers and former State Republican Party Chairman Ryan Call while she knew and was told in writing by both David Spreccace and Alex Hornaday that what she was alleging was entirely false.

13) Ms. Sebern has a history of causing problems and making false allegations against anyone and everyone she does not like. She has participated in numerous attempts to overthrow "establishment" leadership in Colorado Republican politics.

14) 13)

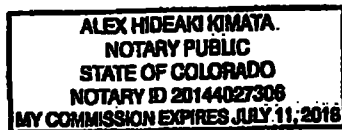
FURTHER THE AFFIANT SAYETH NOT

Gabriel Schwartz

Date

Subscribed to and sworn before me by Gabriel Schwartz this 10 day of April, 2015.

My Commission Expires: 7/11/18




Notary Public

Kim
Collins

Digitally signed by Kim Collins
DN: cn=Kim Collins, o=OGC,
ou=CELA,
email=kcollins@fec.gov, c=US
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IN THE MATTER BEFORE THE
FEDERAL ELECTION COMMISSION

RE: MUR 6925

AFFIDAVIT
OF HARRY L. ARKIN

I, Harry L. Arkin, being sworn upon my oath, hereby affirm and make this Affidavit in response to the Campaign Finance Complaint (hereinafter referred to as the "complaint"), filed with the Federal Election Commission (hereinafter referred to as "the FEC"), and of which I was informed by letter from the FEC, dated "March 16, 2015," received by me on March 19, 2015:

1. I am one of the individuals referenced in said complaint as "legal counsel, First Congressional District Republican Central Committee, #C00569491, hereinafter referred to as "1st CD").
2. I am an attorney located and practicing law in Denver, Colorado.
3. The subject complaint is primarily based upon Exhibit F thereto, a "CD1 Cashier's Check to Colorado Republican Party, March 8, 2013."
4. The only time I have been "Legal Counsel" to the 1st CD, was my appointment at the Organizational Meeting of the 1st CD held on the afternoon of March 14, 2015, as Legal Counsel and Secretary. The appointment was only for the term of said meeting as a result of the absence of the previously appointed Legal Counsel and elected Secretary. Such meeting adjourned at 4:00 p.m. that day when my appointments ended. Before that meeting, I had not served as Legal Counsel to the 1st CD for many years.
5. I have not (and never have had) any knowledge of any kind related to the subject matters of the complaint.
6. I am of the opinion that Florence Sebern is a vindictive person who has continuously harassed many of the leaders of the Republican Party at all levels, including the Republican State Central Committee, the Republican Central Committee of the City and County of Denver, the Republican 1st CD Central Committee, and various individuals with whom Mrs. Sebern disagrees over actions and policies thereof without any cause or basis, of which I am aware, except personal, political, and presumably other differences. Mrs. Sebern apparently has taken offense when I have advised individuals whom she has attacked, of my opinion related to the total or partial lack of truth and untruth of some of her complaints, or the basis of accusations, incomplete or incorrect citations of Colorado statutes, Republican State, County, and 1st CD Bylaws and Rules, and miscellaneous other accusations and/or dissatisfactions. In short, I perceive, if at all, the FEC should regard the subject complaint as without merit, and, at best, a disagreement with the facts related to the actions referred to in her complaint with intra-

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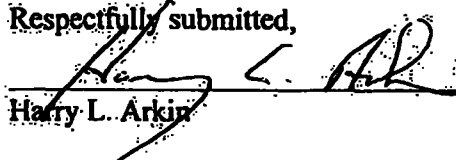
political party actions and policies and the persons named in the complaint and others, as evidenced by the irrelevant and inaccurate mass of documents and "exhibits" attached to and purporting to justify her complaint.

7. I will be represented in this matter by Attorney Richard A. Westfall, Hale Westfall LLP, 1600 Stout Street, Suite 500, Denver, CO 80202, Telephone: 720.904.6022, Email: rwestfall@halewestfall.com.

8. Further, Affiant sayeth not.

Dated: April 10, 2015

Respectfully submitted,

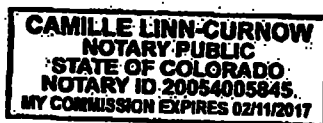

Harry L. Arkin

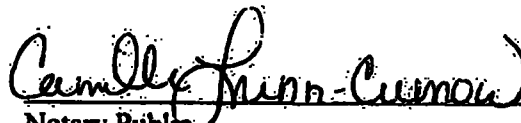
STATE OF COLORADO)
City and) ss.
County of Denver)

The foregoing Affidavit was subscribed and sworn to before me this 10th day of April, 2015, by Harry L. Arkin.

Witness my official hand and seal.

(SEAL)




Notary Public


IN THE MATTER BEFORE THE FEDERAL ELECTION COMMISSION: MUR 6925

Affidavit of Ryan R. Call

I, Ryan R. Call, being of lawful age, and first duly sworn upon my oath, do depose and state:

1. I currently reside in Arapahoe County at _____, Aurora, Colorado 80015. I am an attorney licensed to practice in the State of Colorado.
2. For four years, from March 26, 2011 until March 14, 2015, I served as State Chairman of the Colorado Republican Committee.
3. Prior to my election as State Chairman of the Colorado Republican Committee, I served as Chairman of the Denver County Republican Central Committee from February of 2009 to February of 2011 and as Vice Chairman of the Denver County Republican Central Committee from February of 2005 to February of 2009. As an officer of the Denver County Republican Central Committee, I served as an *ex officio* voting member of the First Congressional District Republican Central Committee and as a voting member of the Executive Committee of that district committee. I also served previously as deputy legal counsel and as legal counsel to the Colorado Republican Committee from early 2006 until March 26, 2011.
4. Upon information and belief, shortly before the organizational meetings and political party leadership elections of the Colorado Republican Committee and the First Congressional District Central Committee that took place on March 2, 2013, Gabriel Schwartz, in his capacity as the then-Chairman of the district committee, directed David Spreccace, the then-Treasurer of the district committee, to close the bank account associated with the district committee and obtain cashier's check payable to the Colorado Republican Committee in the amount of all of the district committee's remaining funds.
5. On or about March 8, 2013, a member of my staff informed me that the Colorado Republican Committee had received a cashier's check in the amount of \$6,500.80 via courier to the offices of Colorado Republican Committee in Greenwood Village, Colorado. The cashier's check from Wells Fargo Bank (check no. 0160400390) was made payable to the order of "COLORADO REPUBLICAN PARTY" and contained the notation "RE: FIRST CD'S GIFT TOWARD BETTER GOVERNMENT".
6. On March 11, 2013, I sent an email to Alexander Hornaday, the then newly-elected Chairman of the First Congressional District Republican Central Committee, informing him that the Colorado Republican Committee would not accept the contribution that had been authorized by the former district chairman, Mr. Schwartz.

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7. Having been informed that the bank account associated with the First Congressional District Republican Central Committee had been closed by the prior district committee officers and returning the cashier's check to the issuing bank for re-deposit into the district committee account was not possible, I determined that the most appropriate and effective manner to return the contribution was to endorse the back of the cashier's check and convert the negotiable instrument to bearer paper and return it to an authorized representative of the First Congressional District Republican Central Committee for deposit into a new bank account associated with the district committee.
 8. A short time later, Mr. Hornaday came to the offices of the Colorado Republican Committee in Greenwood Village, Colorado to pick up the endorsed cashier's check. I do not recall the specific date Mr. Hornaday picked up the cashier's check, but I believe it was in mid-March and within the ten days a federal political committee is required to return a contribution to the contributor under 11 CFR § 103.3(a).
 9. Upon information and belief, the First Congressional District Republican Central Committee has made no expenditures for any federal election activity and made no contributions or expenditures on behalf of any other federal candidate or political committee at any time prior to its contribution to Martin Walsh for Congress on October 1, 2014.
 10. Upon information and belief, all donations, contributions and expenditures of the First Congressional District Republican Central Committee prior to October 1, 2014 were used exclusively for basic administrative expenses and for expenses related to the conduct of Congressional District meetings and Congressional District nominating conventions and assemblies.
 11. I have known the Complainant, Florence Sebern, for more than ten years as a result of my involvement and various leadership positions with the Republican Party in Colorado.
 12. I choose to keep my opinions and beliefs regarding the credibility, character and motivations of Ms. Sebern to myself.
 13. I have authorized Richard A. Westfall, an attorney and partner with the law firm of Hale Westfall LLP, 1600 Stout Street, Suite 500, Denver, Colorado 80202, telephone: 720-904-6010, email: rwestfall@halewestfall.com, to represent me in this matter before the Federal Election Commission.
 14. I have read the Response to the Sebern Complaint prepared by Mr. Westfall and the law firm of Hale Westfall, LLP dated April 10, 2015, and to the best of my personal knowledge, opinion and belief, all of the facts and assertions made therein are true and accurate.
 15. Further the Affiant sayeth not.


Ryan R. Call


Notary Public

- 3 -

Kim Collins

Digitally signed by Kim Collins
DN: cn=Kim Collins, o=OGC,
ou=CELA,
email=kcollins@fec.gov, c=US
Date: 2015.04.13 09:31:33 -04'00'

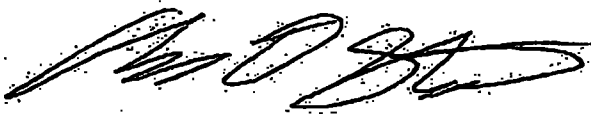
Andrew D. Struttmann

Denver, CO 80203

I was Treasurer of the First Congressional District Republican Central Committee from March 3, 2015 until March 14, 2015. At no time during my tenure did I have access to or control over the funds of the First Congressional District Republican Central Committee.

I do hereby swear and affirm under penalty of perjury that the foregoing is true and accurate to be best of my knowledge, recollection, and understanding.

Signed,



Andrew D. Struttmann

1704404401

Kim
Collins

Digitally signed by Kim Collins
DN: cn=Kim Collins, o=OGC,
ou=CELA,
email=kcollins@fec.gov, c=US
Date: 2015.04.13 09:32:31
+04'00'

Eric Heyssel Statement

1. I, Eric Heyssel, moved to Colorado in July 2012.
2. Alexander Hornaday, then-Chairman of Colorado's First Congressional District Republican Committee asked me to serve as Treasurer for the aforementioned organization in the summer of 2013. I do not recall the exact date.
3. Sometime in early 2014, I informed Alexander Hornaday that I would be moving away from Colorado. I do not recall the exact date.
4. As a result of the impending move I resigned As Treasurer of Colorado's First Congressional District Republican Committee prior to the April 2014 Assembly. I do not recall the exact date.
5. During my tenure as Treasurer for Colorado's First Congressional District Republican Committee the committee did not have a back account.
6. During my tenure as Treasurer for Colorado's First Congressional District Republican Committee I received no funds on behalf of the committee.
7. During my tenure as Treasurer for Colorado's First Congressional District Republican Committee I made no expenditures on behalf of the committee.

I hereby swear and affirm under penalty of perjury that the foregoing is true to the best of my knowledge, recollection, and understanding.



Eric Heyssel

EAH

4/10/2015
Date



FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

FAX 202-219-3923

MUR # 6925

Name of Counsel: Richard Westfall

Firm: Hale Westfall, LLP

Address: 1600 Stout Street, Suite 500
Denver, CO 80202

Telephone: 720-904-6010 Fax: 720-904-6020

E-mail: rwestfall@halewestfall.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

4/9/15
Date

[Signature]
Signature (Respondent/Agent)

Title

RESPONDENT: Alexander Hornaday
(Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: 1624 Market Street, Suite 202
(Please Print) Denver CO 80202

Telephone (H): _____ (W): 303-625-4088

E-mail: ahornaday@hornadaylaw.com

This form relates to a Federal Election Commission matter that is subject to the confidentiality provisions of 52 U.S.C. § 30109(a)(12)(A). This section prohibits making public any notification or investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.



FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL

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FAX 202-219-3923

MUR # 16925

Name of Counsel: Richard Westfall

Firm: Hale Westfall, LLP

Address: 1600 Stout Street Suite 500

Denver, CO 80202

Telephone: 720-904-6010

Fax: 720-904-6020

E-mail: rwestfall@halewestfall.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

1/9/15
Date

[Signature]
Signature (Respondent/Agent)

Title

RESPONDENT: Andrew Struthman

(Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: _____
(Please Print)

Denver, CO 80203

Telephone (H): _____

(W): _____

E-mail: _____

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Washington, DC 20463

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FAX 202-219-3923

MUR # 6925

Name of Counsel: Richard A. Westfall

Firm: Hale Westfall LLP

Address: 1600 Stout Street, Ste. 500
Denver, CO 80202

Telephone: (720) 904-6010 Fax: (720) 904-6020

E-mail: RWestfall@halewestfall.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

4/10/15 [Signature] [Title]
Date Signature (Respondent/Agent) Title

RESPONDENT: Christopher O. Murray
(Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: 410 17th Street, Ste. 2200
(Please Print) Denver, CO 80202

Telephone (H): _____ (W): (303) 223-1183

E-mail: Cmurray@b.h.f.s.com

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FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

FAX 202-219-3923

MUR # 6925

Name of Counsel: Richard A. Westfall, Esq.

Firm: Hale Westfall, LLP

Address: 1600 Stout Street, Suite 500, Denver, CO 80202

Telephone: 720-904-6010 Fax: 720-904-6020

E-mail: rwestfall@halewestfall.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

David A. Sprepace
Digitally signed by David A. Sprepace
DN: cn=David A. Sprepace, o=David A. Sprepace, P.C., ou,
email=dave@mytaxlex.com, c=US
Date Signature (Respondent/Agent) Title

RESPONDENT: David A. Sprepace
(Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address: 600 17th Street, Suite 2800S, Denver, CO 80202
(Please Print)

Telephone (H): (W): 303-454-8260

E-mail: dave@mytaxlex.com

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FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL

Provide one form for each Respondent/Witness

FAX 202-219-3923

MUR # 6925

Name of Counsel: Richard Westfall

Firm: Hale Westfall, LLP

Address: 1600 Stout Street, Suite 500
Denver, CO 80202

Telephone: 720-904-6010 Fax: 720-904-6020

E-mail: rwestfall@halewestfall.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

4/10/15
Date

[Signature]
Signature (Respondent/Agent)

Title

RESPONDENT: Eric Robert Heyssel
(Committee Name/ Company Name/ Individual Named in Notification Letter)

Mailing Address:
(Please Print) Providence RI 02907

Telephone (H): _____ (W): _____

E-mail: _____

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999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL

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FAX 202-219-3923

MUR #

6925

Name of Counsel:

Richard Westfall

Firm:

Hale Westfall LLP

Address:

1600 STOUT ST. #500

DENVER, CO 80202

Telephone:

720.904.6010

Fax:

720.904.6020

E-mail:

RWESTFALL@HaleWestfall.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

3-20-15
Date

[Signature]
Signature (Respondent/Agent)

Former BTC Chair
Title

RESPONDENT

Gabriel Schwartz Former BTC Chair
(Committee Name/ Company Name/Individual Named in Notification Letter)

Mailing Address:
(Please Print)

DENVER CO 80209

Telephone (H):

(W):

303 863 9398

E-mail:

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FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Entity/Treasurer
FAX (202) 219-3923

MUR # 6925

NAME OF COUNSEL: Richard A. Westfall, Esq.

FIRM: Hale Westfall, LLP

ADDRESS: 1600 Stout Street, Suite 500, Denver, CO 80202

TELEPHONE- OFFICE (720) 904-6010

FAX (720) 904-6020

Web Address rwestfall@halewestfall.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

4/9/15

Date

Harry L. Arkin
Respondent/Agent-Signature

N/A

Title(Treasurer/Candidate/Owner)

RESPONDENT: Harry L. Arkin

(Committee Name, Company Name, or Individual Named in Notification Letter)

MAILING ADDRESS: 1660 Lincoln Street, Suite 3150

(Please Print)

Denver, Colorado 80264

TELEPHONE- HOME ()

BUSINESS (303) 863-8400

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.



FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Entity/Treasurer.
FAX (202) 219-3923

MUR # 6925

NAME OF COUNSEL: Richard A. Westfall, Esq.

FIRM: Hale Westfall, LLP

ADDRESS: 1600 Stout Street, Suite 500, Denver, CO 80202

TELEPHONE- OFFICE (720) 904-6010

FAX (720) 904-6020 Web Address rwestfall@halewestfall.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

4/10/2015

Date

[Signature]
Respondent/Agent-Signature

Title (Treasurer/Candidate/Owner)

RESPONDENT: Ryan R. Call

(Committee Name, Company Name, or Individual Named in Notification Letter)

MAILING ADDRESS: _____
(Please Print)

Aurora, CO 80015
1600 Stout Street, Suite 500, Denver, CO 80202

TELEPHONE- HOME (_____) _____

BUSINESS (720) 904-6010

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Rev. 2010